

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MAXIMUM QUALITY FOODS, INC.,

Plaintiff,

v.

JOSEPH DIMARIA AND WILLOW
PROVISIONS INC.,

Defendants.

Civil Action No.: 14-6546 (JLL)(JAD)

ORDER

THIS MATTER comes before the Court by way of United States Magistrate Judge Joseph A. Dickson's March 23, 2015 Report and Recommendation [Docket Entry No. 32], recommending that the undersigned deny Defendants' motion to dismiss [Docket Entry No. 20]. Magistrate Judge Dickson filed his Report and Recommendation pursuant to 28 U.S.C. § 636 (b)(1)(B). In particular, Magistrate Judge Dickson recommended that Defendants' motion be denied, because the contacts Defendants had with the State of New Jersey were sufficient to support a determination that Defendant Willow had purposefully availed itself of the privilege conducting activities in the State of New Jersey. Further, Judge Dickson found that Defendants' contacts were "instrumental" in the formation of the parties' "Asset Purchase Agreement", and thus satisfy the "relatedness" test of the specific jurisdiction analysis. In turn, Judge Dickson also found that it would be appropriate for the District Court to exercise specific jurisdiction over Plaintiff's breach of contract claim (i.e., Willow's breach of the "Asset Purchase Agreement") as set forth in the First Count of Plaintiff's Complaint. Finally, upon consideration of the relevant factors, Judge Dickson found that it would be "reasonable to require [Willow] to defend [this] suit in [New Jersey]." *Decker*, 49 F. Supp. 2d at 746. Judge Dickson found that a New Jersey court's exercise of personal jurisdiction over Willow would comport with traditional notions of fair play and substantial justice. To date, the Court has received no objections with respect to Magistrate Judge Dickson's March 23, 2015 Report and Recommendation, and for good cause shown,


IT IS on this 20 day of April, 2015

ORDERED that the Report and Recommendation of Magistrate Judge Dickson, filed on January 20, 2015 [Docket Entry No. 32], is hereby **ADOPTED** as the findings of fact and

conclusions of law of this Court; and it is further

ORDERED that Defendants' Motion to Dismiss [Docket Entry No. 20] is hereby **DENIED**.

IT IS SO ORDERED.



Jose L. Linares
United States District Judge